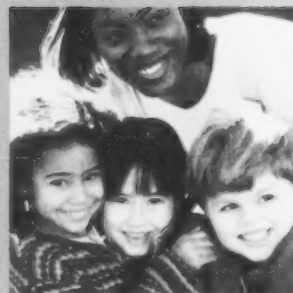


Provincial School Code of Conduct and School Code of Conduct Guidelines



Student Services

**Provincial School Code of Conduct and
School Code of Conduct Guidelines**

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Provincial School Code of Conduct and School Code of Conduct Guidelines

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Introduction

The Provincial School Code of Conduct policy comprises principles, standards of behaviour for all members of the school community, identification of disruptive student behaviours, consequences of student non-compliance, and consequences for students that are not permitted. Its purpose is to set the context for a safe and productive learning environment by outlining expected behaviours in safe and caring schools. With reference to section 64(2)(r) of the *Education Act*, all the components of the Provincial School Code of Conduct and regional school codes of conduct that apply to students, comprises the student-discipline policy in section 47 of the *Ministerial Education Act Regulations*.

Reference is made to “school members” throughout the Provincial School Code of Conduct; this term is used to refer to students and all adults whose roles or jobs place them in contact with students in school settings and school activities. School members include students, parents/guardians, teachers, principals, staff employed by the school board, other staff engaged to provide services at the school, volunteers, visitors, and any persons who have contact with students and staff in the school setting. The School Code of Conduct Guidelines support the development of school board and school codes of conduct.

Note: Parent under the *Education Act* 3(1)(t) includes guardian and in this policy means a parent or guardian who is legally responsible for the care and custody of a student.



Provincial School Code of Conduct

Principles

Respect

It is expected that school members will exhibit behaviour that shows respect for the rights, property, and safety of themselves and others.

Responsibility

It is expected that school members will accept personal responsibility for their behaviour in order to maintain a safe and productive learning environment.

Rights

It is expected that school members will honour the rights of others through the process of learning and demonstrating appropriate behaviour in the context of social responsibility.

The above principles are supported by the *Education Act* under several sections, including the preamble and those pertaining to the duties of students, parents/guardians, teachers, principals, superintendents, and support staff. (See Appendix III: Excerpts from the *Education Act*.)

Standards of Behaviour

School members will

- show respect for the rights, property, and safety of themselves and others
- respect and appreciate diversity of all school members regardless of their race, culture, ethnicity, religion, gender, sexual orientation, age, or ability
- express themselves with socially acceptable language and gestures
- exhibit behaviour that avoids all forms of intimidation, harassment, racism, and discrimination
- dress in accordance with school dress standards
- treat school property and the property of others with a reasonable standard of care
- respect the responsibility of all school members in exercising their duties
- promote positive behaviour through the avoidance of all types of violent acts
- use information and communications technology, including the Internet and e-mail communication, in a responsible and appropriate manner consistent with the *Nova Scotia Public School Network Access and Use Policy*
- refrain from the possession of any form of a weapon on school property
- refrain from the possession of, and being under the influence of, all forms of intoxicants on school property
- as appropriate, attend classes, activities, and events and be prepared and punctual

The roles and responsibilities of school members in relation to the code are outlined in the School Code of Conduct Guidelines on page 10.

Note: The remaining sections of the Provincial School Code of Conduct refer to the behaviour of students.

Identification of Disruptive Behaviours

Disruptive Behaviour

Behaviour that is not serious enough to significantly interrupt the learning climate of the school, endanger the well-being of others, or damage school property is classified as disruptive. Examples of disruptive behaviour may include, but are not limited to,

- chronic minor offences
- smoking
- profanity
- disrespect or insubordination
- failure to obey instructions
- forging notes or excuses
- non-attendance or poor attendance in school or specific classes
- loitering in school areas when asked not to
- petty stealing
- fighting (shoving, pushing, or scuffling)
- other acts of misconduct that are disruptive or that may create a potential safety hazard

Severely Disruptive Behaviour

Behaviour that is serious enough to significantly disrupt the learning climate of the school, endanger the well-being of others, or damage school property is classified as severely disruptive. Examples of severely disruptive behaviour may include, but are not limited to,

- vandalism
- disruptions to school operations
- verbal abuse
- bullying
- racial and/or discriminatory misconduct
- sexual harassment and/or assault
- sexual misconduct, sexual abuse, or physical abuse
- physical violence
- use or possession of weapons
- illegal activity

Consequences of Non-Compliance

Discipline is intended to promote the learning of self-control and to change inappropriate behaviour. Expected school behaviours must be actively taught at home and in school. The strategies used to develop understanding and respect for the school code of conduct may vary from student to student. Where a student does not comply with the behavioural expectations of the code, despite the application of these strategies, appropriate consequences should be initiated. The following principles must be applied:

- Consequences will be appropriate for the student's stage of development and in consideration of the student's special needs.
- Consequences will reflect the severity of misbehaviour and take into account the frequency and duration of the misbehaviour.
- Consequences will be chosen primarily for their educational value.
- Consequences will make sense to the student as much as possible.
- Consequences will be appropriately timed.

When managing disruptive or severely disruptive behaviours, the following points must be considered:

- Inappropriate behaviour is never ignored.
- Appropriate action is always taken.
- Immediate action is taken to bring a stop to the behaviour.
- Additional action in the form of an intervention should be designed in order to produce a constructive behavioural change.

Consequences Specifically Forbidden

The following consequences are prohibited responses to any type of misconduct:

- corporal punishment
- use of collective responsibility (group punishments) in disciplinary procedures
- use of academic consequences as a disciplinary procedure; e.g., assigning extra academic work as a consequence of misbehaviour or course withdrawal for absenteeism
- use of evaluation procedures as a disciplinary procedure; e.g., arbitrarily assigning a test to an individual or class that is behaving inappropriately

School Code of Conduct Guidelines

Purpose

These guidelines are designed to assist school boards and schools to develop, implement, and track the regional and school-level codes of conduct. Sections 1–4 provide a framework for the development of regional and school codes of conduct; Section 5 provides a framework for implementation; Section 6 provides a format for tracking and reporting school incident data; and Section 7 outlines a complaints resolution process.

Section 1: Context

These guidelines have been developed by the Department of Education, in consultation with representatives of the Nova Scotia School Boards Association (NSSBA), the Nova Scotia Federation of Home and School Associations, the Nova Scotia Teachers Union (NSTU), and school board professional staff.

The Provincial School Code of Conduct reflects a proactive approach to assist students in learning appropriate behaviour in the context of social responsibility. The emphasis is on creating a safe and productive learning environment for all members of the school community. These guidelines provide school boards and school communities with a framework and process for developing their respective policies and procedures for their codes of conduct. In this context, creating a positive school climate is not a single event, but rather a process that includes consultation with stakeholders and articulation and communication of behavioural expectations to all school community members.

Rights, responsibility, and respect are the key elements of the Provincial School Code of Conduct. These elements contribute to building a positive school climate and culture by establishing consistent expectations and fair practices regarding the conduct of all members of the school community. It will also diminish the need for reactive disciplinary measures concerning students. Student learning is maximized in a school environment that is positive, inviting, safe, and caring, and is characterized by all members of the school community demonstrating and upholding a standard of behaviour that is consistent with valuing rights, responsibility, and respect as they apply to all in the school environment.

The challenge for schools, therefore, is to implement a school code of conduct that serves all members of the school community with consistency and fairness. School codes of conduct must support the provision of a learning environment that maximizes opportunities for students to

... develop to their full potential cognitively, affectively, physically and socially; and to help all students acquire the knowledge, attitudes and skills necessary for them to continue as thinking, learning, physically active, valued members of society.¹

The research on effective schools identifies such schools as those that provide all students with opportunities to experience academic success, to feel capable, to connect with and contribute to their school community, to enhance their personal identity, and to develop their self-esteem and respect for themselves and others.

1. Nova Scotia Department of Education, *Public School Programs* (Halifax, NS: Province of Nova Scotia, 2003), A-3.

Section 2: Guiding Principles

The Provincial School Code of Conduct identifies behavioural standards for all school members. These standards apply not only to students, but to all members of the school community. However, in referencing disruptive and severely disruptive behaviours and consequences, the Provincial School Code of Conduct pertains to students as members of the school community. The following beliefs and guiding principles form the foundation of the *Provincial School Code of Conduct and School Code of Conduct Guidelines*.

- Student learning is maximized in a positive, inviting, safe, and caring school environment characterized by all members of the school community demonstrating standards of behaviour consistent with the principles of respect, responsibility, and rights.
- Behaviour is learned, therefore, behaviour can be changed and new behaviours taught and learned.
- A proactive, positive, and preventative approach is the most effective method of achieving a school climate that is conducive to both teaching and learning.
- The use of punishment to control unacceptable and inappropriate student behaviour is often negative and reactive.

The School Code of Conduct Guidelines support the development and implementation of a comprehensive, school-wide, positive effective behaviour supports (PEBS) approach as outlined in the Council of Atlantic Ministers of Education and Training (CAMET) resource for schools, *Meeting Behavioural Challenges*. PEBS is based on the positive behavioural interventions and supports research conducted by George Sugai and Rob Horner (for additional information see www.pbis.org). This research highlights the fact that punishment, in and of itself, generally does not have a long-term benefit for students and creates a false sense of security for schools.² Practices that focus on positive and proactive approaches are more consistent with learning socially acceptable behaviour in schools. PEBS places an increased emphasis on proactive school-wide prevention and early intervention.

2. George Sugai and Robert Horner, "The Evolution of Discipline Practices: School-Wide Positive Behaviour Supports," *Child and Family Behaviour Therapy*, 24, no. 1/2, (2002): 23.

Section 3: Roles and Responsibilities

Following are the roles and responsibilities, pertaining to school codes of conduct, for members of the public school system and the school community, as outlined in the *Education Act* and regulations.

Department of Education

- The *Education Act* authorizes the Minister to make regulations to establish regional and provincial policies regarding the discipline of students.³
- The *Provincial School Code of Conduct and School Code of Conduct Guidelines* replaces the student-discipline policy (Section 47 of the *Ministerial Education Act Regulations*) and the *Discipline Handbook For Nova Scotia Schools* (Nova Scotia Department of Education 1993).

School Boards

- School boards are required by the *Education Act* to promote their schools as safe, quality learning environments.⁴
- School boards are required to establish a regional school board code of conduct consistent with the Provincial School Code of Conduct established by the Minister.⁵ Regional and school student discipline policies to which the act refers, should be entitled School Codes of Conduct.
- School boards are required to develop policies and implement programs consistent with the Minister's policies and guidelines respecting students who have been suspended for more than five days or expelled from school.⁶
- In cases where a student is suspended for more than five school days, school boards are required to make every reasonable effort to provide alternative arrangements for the education of the student, in accordance with the regulations.⁷

3. *Education Act*, S.N.S. 1995-96, c. 1, ss. 64(2)(r) and 145(1)(h).

4. *Ibid.*, s. 64 (2)(f).

5. *Ibid.*, s. 64(2)(r).

6. *Ibid.*, s. 64 (2)(s).

7. *Ibid.*, s. 126.

- School boards are required to establish a policy for the protection of students and employees from harassment and abuse.⁸
- It is the responsibility of school boards to involve members of the board and school communities in the development of a school's code of conduct. The school advisory council provides advice on the development of school policies that promote academic excellence and a positive learning environment.⁹
- It is the responsibility of a school board to regularly review its regional school code of conduct. Such a review must occur at least every five years.¹⁰

Principals

- Principals are to ensure that reasonable steps are taken to create and maintain a safe, orderly, positive, and effective learning environment.¹¹
- Principals are to ensure that provincial and school board policies are followed within their schools.¹²
- Principals are responsible for ensuring that the school code of conduct is created with the participation of those affected by the code, including students, parents, and teachers.¹³

Teachers

- It is the duty of a teacher in a public school to take all reasonable steps necessary to create and maintain an orderly and safe learning environment.¹⁴
- It is the responsibility of teachers to participate in the development of the school code of conduct, as required.¹⁵

8. *Education Act*, S.N.S. 1995-96, c. 1, s. 64(2)(t).

9. *Ibid.*, s. 22(c).

10. *Ministerial Education Act Regulations*, N.S. Reg. 184/2004, s. 47.

11. *Education Act*, S.N.S. 1995-96, c. 1, s. 38(2)(c).

12. *Ibid.*, s. 38(2)(f).

13. *Ministerial Education Act Regulations*, N.S. Reg. 184/2004, s. 47.

14. *Education Act*, S.N.S. 1995-96, c.1, s. 26(1)(k).

15. *Ministerial Education Act Regulations*, N.S. Reg. 184/2004, s. 47.

Students and Parents

- It is the responsibility of students and parents to participate in the development of the school code of conduct, as required.¹⁶
- Students are expected to contribute to an orderly and safe learning environment.¹⁷
- Students have a duty to respect the right of others in the school community.¹⁸
- Students have a duty to comply with the codes of conduct of the school and the school board.¹⁹
- Parents have a duty to support their children in achieving learning success.²⁰
- Parents have a duty to support their children's teachers in their efforts to provide an education for their children.²¹

Section 4: Developing and Implementing Regional School Board and School Codes of Conduct

Research indicates that schools that are described by members of their school community as safe, inviting, and quality learning environments have in place a comprehensive and co-ordinated delivery of programming and services. The environment in such schools exerts a positive and powerful influence on student behaviour. Members of a safe and inviting school community invariably consider themselves valued members of that community. In such an environment, the need to manage disruptive behaviours is considerably reduced. "Schools that invest in building student competence, thereby preventing discipline problems, have documented up to 50% reductions in office discipline referrals."²²

16. *Ministerial Education Act Regulations*, N.S. Reg. 184/2004, s. 47.

17. *Education Act*, S.N.S. 1995-96, c.1, s. 24(1)(c).

18. *Ibid.*, s. 24(1)(d).

19. *Ibid.*, s. 24(1)(c).

20. *Ibid.*, s. 25(1)(a).

21. *Ibid.*, s. 25(1)(c).

22. Horner, Sugai, and Horner, "A Schoolwide Approach to Student Discipline," *The School Administrator*, February 2000: 21.

A review of the literature describing effective management of disruptive behaviours identifies the following as part of a comprehensive and co-ordinated approach:

- a school code of conduct with a positive approach emphasizing instructional strategies, consistency of approach, and classroom routines
- proactive promotion of positive behaviours
- involvement of families, students, school staff, and the community at large
- inter-agency collaboration
- co-operative discipline strategies
- tracking, monitoring, and analyses of data relating to behaviours and utilizing the data in school improvement planning
- a challenging and engaging curriculum for all students

Research also indicates that, despite popular belief, schools as social institutions are relatively safe places, and an effort must be made to make them even safer. "Despite the media attention, schools are one of the safest places for children to be."²³ It has been demonstrated that schools require significant community-wide support in order to be secure and safe places. Joyce Epstein's research has created a model to enhance school community partnerships.

There are many reasons for developing school, family, and community partnerships. They can improve school programs and school climate, provide family services and support, increase parents' skills and leadership, connect families with others in the school and in the community, and help teachers with their work. However, the main reason to create such partnerships is to help all youngsters succeed in school and in later life. When parents, teachers, students, and others view one another as partners in education, a caring community forms around students and begins its work.²⁴

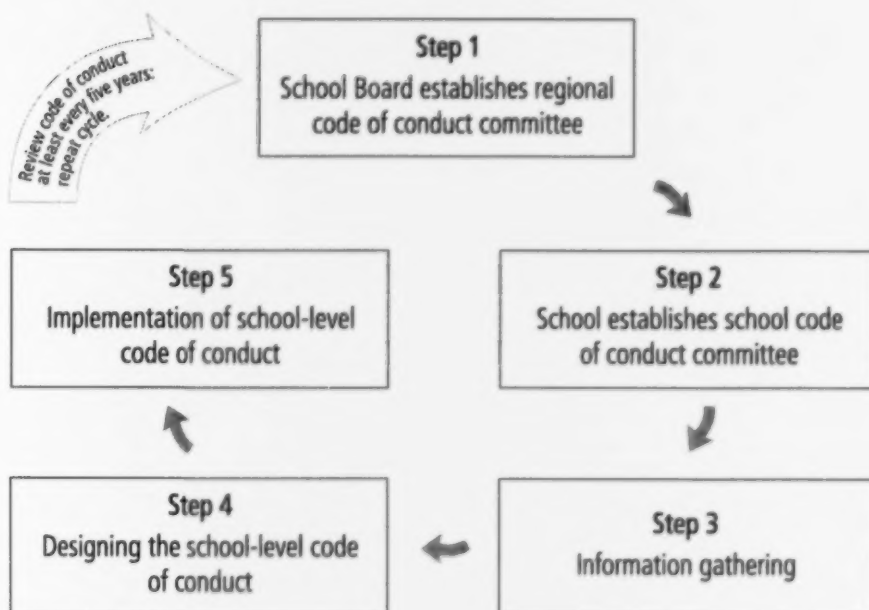
The adoption of a school code of conduct, developed collaboratively with the larger school community as part of the process of creating a safe and secure learning environment, demonstrates a commitment to positive discipline, school safety, and violence prevention. While most students demonstrate appropriate behaviour most of the time, the school code of conduct provides a foundation for building and modelling positive reinforcements.

23. *Every Child Learning: Safe and Supportive Schools* (Washington, DC: Learning First Alliance, 2001), vii.

24. Joyce L. Epstein. "Schools/Family/Community Partnerships," *Phi Delta Kappan*, May 1995: 701.

Schools are required to develop codes of conduct consistent with the Provincial School Code of Conduct and their board's policies and procedures. Figure 1 and the following steps have been identified to assist schools in developing and implementing a school-level code of conduct.

Figure 1: Development, Implementation, and Review of Regional and School Codes of Conduct



Step 1: School board establishes regional code of conduct committee

- The school board forms a regional code of conduct committee to develop, review, and revise the board's regional code of conduct. The committee should include representatives of the following groups: parents, students, teachers, administrators, and school advisory councils.
- The regional code of conduct committee reviews and revises, if necessary, the regional school code of conduct at least once every five years.

- Board policy and procedures must outline a complaint resolution process to be used when there is an unresolved complaint relating to the application or alleged violation of the provincial, regional, or school codes of conduct if there is no other dispute resolution process in place to address the situation. (For guidance in developing such a process, see Section 6 page 32.)
- Boards will develop a professional development plan to support the implementation and communication of the provincial and regional school codes of conduct.
- Each board will establish a communications procedure to disseminate the provincial and regional school codes of conduct to all members of school communities within the board.
- As part of the school improvement process, boards, in partnership with the Department of Education, will utilize a provincial template for tracking and reporting student behavioural incidents, including intervention strategies and consequences (see Section 5 on page 29).

Step 2: School establishes school code of conduct committee

The school must form a committee that will be responsible for developing the school code of conduct. The principal is ultimately responsible for the formation of this committee and for ensuring that the committee fulfills its mandate. He or she acts as the chair or delegates the chair to a staff member. The committee typically includes parents, students, teachers, administrators, and school advisory council members. The committee meets on a regular basis throughout the development phase and is responsible for an annual review of the school's code of conduct.

Step 3: Information gathering

At this stage, the school code of conduct committee will begin to gather data that will support and inform the development of the school code of conduct. The collection of data may include the following:

- existing school data (e.g., office referrals, suspensions, graduation rates)
- a needs assessment (e.g., surveys, questionnaires, school improvement planning data, comprehensive guidance and counselling needs assessment data)
- a literature review identifying effective practices

The data contributes to the school profile and assists in the development of the school code of conduct. The committee may wish to assign specific responsibilities to individual committee members.

Step 4: Designing the school-level code of conduct

School codes of conduct should be developed within the parameters of the Provincial School Code of Conduct and the regional school board code of conduct.

Using the data collected in Step 3, schools clearly define, articulate, and communicate appropriate behaviour, expectations, and consequences in order that all members of the school community understand what is expected.

The school code of conduct should be interwoven with the school's vision, mandate, and established school improvement goals, and decisions regarding application of the code must be data driven. Interventions, consequences, and teaching strategies should extend from the information that has been gathered.

Appropriate Behaviours

Appropriate behaviours assist students to achieve the Essential Graduation Learnings as identified in the Department of Education's *Public School Programs*.

A school code of conduct should *emphasize positive behaviours*, rather than simply listing negative behaviours and consequences. Appropriate behaviours must be taught with respect to the rights and responsibilities of all members

of the school community. Effective school codes of conduct are intended to promote the learning of self-control and to help students learn appropriate behaviours in the school setting.

Consequences of Appropriate Behaviour

Consequences of appropriate behaviour should be determined through staff, student, and parent/guardian input. Appropriate behaviour can, and should, be recognized in many ways. Examples include letters of commendation; student-of-the-week awards; phone calls home; additional library time, gymnasium time, flexible time; and tangible rewards like bulletins, announcements, tokens, articles in the school newspaper or newsletter, and verbal recognition and praise from staff, other students, parents/guardians, and administration. Recognition of appropriate behaviour should occur on many levels: the classroom, the school, and the home. Consistent with the principles of Positive and Effective Behaviour Supports (PEBS), behaviour that is acknowledged and rewarded tends to be repeated.

Appropriate behaviours that the school code should encourage fall within the following domains:

- behaviours that increase the potential for the student to achieve in school (preparedness, use of effective listening skills, productive work habits, etc.)
- behaviours that promote goodwill and harmony among members of the school community (tolerance, acceptance, respect, fairness, etc.)
- behaviours that increase the potential for the student to be an active contributing member of society (involvement in civic and social opportunities/events; involvement in co-curricular activities, etc.)

Inappropriate Behaviours

Whenever inappropriate student behaviour occurs, a range of interventions can be used in attempting to promote the desired changes in behaviour. When non-compliance with behavioural expectations persists, despite use of various interventions, appropriate consequences should then be initiated. Strategies used to promote understanding and respect may vary from student to student. Students are responsible for their behaviour in accordance with the level of maturity and the extent to which their behaviour is voluntary and within their understanding and control. When disruptive behaviour is due to exceptional

characteristics of a student and he or she is unable to control this behaviour, interventions must take into account the needs of the student and the student's classmates.

The following considerations should be taken into account when addressing non-compliance with behavioural expectations:

- Consequences will be appropriate for the student's stage of development. Factors to consider include the student's age, stage of development relative to him/her classmates, social/emotional needs, level of cognitive functioning, etc.
- Consequences will reflect the severity of the misbehaviour.
- Consequences will take into account the frequency of the misbehaviour.
- Consequences will be chosen primarily for their educational value and be designed to instruct students regarding appropriate behaviours. Effective discipline should be a learning process that develops students' abilities to learn from their mistakes.
- Consequences will make sense to the student, as much as possible. Consistency and fairness should be evident to the student and to his or her parents or guardians.
- Consequences will be appropriately timed.

Categories of Inappropriate Behaviours

The disruptive and severely disruptive behaviours listed in the Provincial School Code of Conduct are examples of student behaviours that occur along a continuum of behaviours. The distinction between *disruptive student behaviours* (see Table 1 for examples, page 20) and *severely disruptive student behaviours* (see Table 2 for examples, page 25) is one that is not easily determined without examining the context and circumstances in which the behaviours occur. For example, fighting is identified as a disruptive behaviour with the descriptors "shoving, pushing, or scuffling." While most would agree that this type of behaviour is disruptive and unacceptable in a school, it could, if not addressed, escalate into the more severe form of "physical violence" as noted under severely disruptive student behaviours.

The following questions will help schools to examine the context in which behaviours occur in determining appropriate consequences for disruptive and severely disruptive student behaviours:

- What is the student's stage of development?
- Has there been a recent review of student assessments, achievement, and behavioural interventions?
- What positive reinforcement for good behaviours has occurred?
- What is the severity of the misbehaviour?
- What is the frequency of the misbehaviour?
- What are possible types of consequences?
- What is the educational value of the consequence?
- Is the student able to understand the consequence?
- Is the timing of the consequence appropriate?
- Does the consequence help to maintain a safe and supportive learning environment for all members of the school community?
- Have parents and guardians been contacted?

Disruptive Student Behaviour

Behaviour that is not serious enough to significantly interrupt the learning climate of the school, endanger the well-being of others, or damage school property may be classified as disruptive. The Provincial School Code of Conduct identifies examples of disruptive student behaviours that may occur in school settings or on school property. While this is not intended to be a complete list of all the types of disruptive student behaviours, it does provide members of the school community with an indication of the range of behaviours within this category.

Table 1: Examples of Disruptive Behaviours and Range of Possible Actions/Consequences

Category	Description of Disruptive Behaviour	Proactive Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Chronic minor offences	Over periods of weeks/months, frequent and repeated minor behavioural incidents that are not a direct threat to the health and safety of others, but that are contrary to the school code of conduct and are disruptive because of frequency	<ul style="list-style-type: none"> Establish clear expectations. Post and communicate behavioural expectations. Plan incremental steps (e.g., reminder, warning, incident note, time-out/referral to office). Provide non-verbal cues. 	<ul style="list-style-type: none"> withdrawal of privileges conference with student and parent/guardian referral to guidance counsellor referral for assessment instruction regarding expectations and appropriate behaviour detention meeting with principal in-school suspension*
Smoking	Smoking of tobacco by students or others, inside any school building, facility, or vehicle or on any school property	<ul style="list-style-type: none"> Refer to <i>Making It Work: Guidelines for Creating Effective Smoke-Free School-based Policies</i>** Post and communicate to students and parents school anti-smoking policy and behavioural expectations. Provide opportunities for instruction, discussion or programs on prevention and cessation. 	<ul style="list-style-type: none"> conference with student and/or parent/guardian referral to smoking cessation program research project on harmful effects of smoking in-school suspension suspension for repeated offences
Profanity	The use or display of profane, obscene, vulgar language; swearing, verbal outbursts, use of words and phrases considered by community standards to be unacceptable at school or during school-related activities	<ul style="list-style-type: none"> Enlist the assistance of the student body (e.g., student council, student leaders, etc.). Staff discuss and plan response as a preventative measure. Engage in instruction and discussion with students about unacceptable language/verbal abuse. Avoid engaging a student who is upset/argumentative. Provide an opportunity for the student to take a time-out. 	<ul style="list-style-type: none"> apology to class/teacher/others review expectations and impact on others; re-teach behavioural standards conference with student and/or parent/guardian counselling/anger management strategies detention/in-school suspension withdrawal of privileges

* "In-school suspension" means a consequence imposed on a student by a principal in accordance with the *Ministerial Education Act Regulations*, s.47(7). Students who are given an in-school suspension are provided with the opportunity to continue working on their class assignments in the school, and a teacher or principal is present to supervise the student.

** *Making It Work!* has been distributed to all public schools in Nova Scotia. Additional copies may be obtained online (www.gov.ns.ca/ohp/tcu/schools.htm) or by contacting the Office of Health Promotion and Protection.

Table 1: Examples of Disruptive Behaviours and Range of Possible Actions/Consequences *continued*

Category	Description of Disruptive Behaviour	Proactive Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Disrespect or insubordination	An attitude or behaviour that conveys a subtle or blatant disregard for a person's authority and position (e.g., teacher, principal, parent, adult in charge of student activities)	<ul style="list-style-type: none"> Establish clear expectations in school code of conduct. Provide an opportunity for the student to make choices. Use non-verbal cues. Brainstorm preventative and proactive strategies with the school code of conduct committee. 	<ul style="list-style-type: none"> withdrawal of privileges conference with student and/or parent/guardian instruction regarding school expectations and appropriate behaviours referral to guidance counsellor detention meeting with principal in-school suspension suspension for repeated offences
Failure to obey instructions	Non-compliance with respect to routine requests, instructions, or directives given to students by a person in a position of authority, particularly regarding safety issues; (e.g., teacher, principal, bus driver). This may include inappropriate use of technology and related computer hardware and software, Internet use, copyright, plagiarism, etc.	<ul style="list-style-type: none"> Establish clear expectations in the school code of conduct. Staff discuss and plan their responses in advance. Use non-verbal cues. Provide choice when possible. Ensure that consequences are clear, well communicated, and consistently applied. 	<ul style="list-style-type: none"> instruction regarding school expectations and appropriate behaviours conference with student and/or parent/guardian detention withdrawal of privileges
Forging notes or excuses	Writing a note or letter and using a false signature to represent the permission or approval of another person (e.g., parent, teacher)	<ul style="list-style-type: none"> Establish clear guidelines and discuss with students the consequences of cheating or forging the signatures of others. 	<ul style="list-style-type: none"> instruction and rationale regarding school expectations conference with student and/or parent/guardian detention for repeated offences withdrawal of privileges
Non-attendance or poor attendance in school or specific classes	Absence, or irregular school or class attendance (the result of absenteeism and return to class is what may be disruptive)	<ul style="list-style-type: none"> Analyse attendance data to examine patterns and triggers to non-attendance. Establish clear expectations regarding attendance. Provide incentives/rewards for regular attendance. Examine student participation, academic, and social competence factors. Provide academic and social supports to assist students in making up work and time missed. Avoid drawing unnecessary attention to students returning to school after absences. Involve parents and/or community support systems in addressing the issue 	<ul style="list-style-type: none"> conference with student and/or parent/guardian refer to school guidance counsellor detention with academic support to make up work and time missed in-school suspension with academic support withdrawal of privileges referral to board attendance committee, <i>Education Act</i>, s. 64(2)(p)

Table 1: Examples of Disruptive Behaviours and Range of Possible Actions/Consequences *continued*

Category	Description of Disruptive Behaviour	Proactive Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Loitering in school areas	Being present in a particular area in or near a school, contrary to either school rules or previously issued directives	<ul style="list-style-type: none"> Establish and communicate clear expectations regarding areas in and around school where loitering is not permitted. 	<ul style="list-style-type: none"> instruction regarding school expectations, rationale, and appropriate behaviour detention withdrawal of privileges
Petty stealing	Theft of an object or item of relatively small value that is the property of another person, a school, or organization; taking or possessing another person's property without permission	<ul style="list-style-type: none"> Establish clear rules and expectations regarding borrowing and using property belonging to others. Post reminders regarding leaving personal property unattended. Provide opportunities for instruction and discussion regarding values such as honesty, respect for property of others, etc. 	<ul style="list-style-type: none"> conference with student and/or parent/guardian apology and restitution in-school suspension involvement of community/school police liaison officer
Fighting (shoving, pushing, or scuffling)	Physical altercations that include behaviours such as shoving, pushing, scuffling, but not violently hitting or striking others.	<ul style="list-style-type: none"> Establish clear rules and expectations regarding unacceptable physical altercations. Monitor and supervise hallways and stairwells closely. Structure transitions to minimize opportunities for disruptive behaviour to occur. 	<ul style="list-style-type: none"> withdrawal of privileges instruction regarding school expectations, victim impact, and appropriate behaviours to resolve conflict conference with student and/or parent/guardian referral to school guidance counsellor peer mediation detention in-school suspension
Other acts of misconduct that are disruptive or that may create a potential safety hazard	Behaviour that may appear to be harmless but has the potential to cause physical injury or emotional harm or to disrupt the learning environment and that requires the professional judgment of teachers or other adults in positions of authority (e.g., running in hallways, pushing or shoving on the stairway, throwing snowballs, deliberately and persistently distracting others from learning activities, etc.)	<ul style="list-style-type: none"> Establish clear guidelines and expectations regarding disruptive activities that may create potential safety hazards. Provide opportunities for instruction and discussion regarding safety issues. Post warnings regarding potential safety hazards. 	<ul style="list-style-type: none"> withdrawal of privileges instruction regarding safety issues, impact on others, school expectations, and rationale conference with student and/or parent/guardian detention in-school suspension involvement of community liaison police officers, as appropriate

Severely Disruptive Student Behaviour

Behaviour that is serious enough to significantly disrupt the learning climate of the school, endanger the well-being of others, or damage school property is classified as severely disruptive.

In managing severely disruptive behaviours, it is important to consider the following points:

- These inappropriate behaviours are never ignored. Severely disruptive behaviours are behaviours that violate the rights of others, put others at risk or harm, or are chronic and, therefore, have an immediate impact on the learning environment. A school code of conduct must acknowledge that such behaviours will never be ignored. Ignoring inappropriate behaviour will confuse students, so that they will be unable to appreciate and understand the consequences of severely disruptive behaviour.
- Appropriate action is **always** taken. Appropriate consequences will be designed to first and foremost make the learning environment secure and safe.
- **Immediate** action is taken to bring a stop to the behaviour. It is critical that the response to severely disruptive behaviour be prompt and, if necessary, involve others in accordance with board policies, procedures, and protocols.
- Additional action in the form of an intervention should be designed in order to produce a constructive behavioural change. Support must be provided to both students who are affected by the severely disruptive behaviour, and students who perpetrated it.
- When a student is suspended under sections 122, 124, or 126 of the Education Act, the school board, in consultation with the student's parent, must make every reasonable effort to provide alternative arrangements for the education of the student in accordance with section 126 of the act (see Appendix III).

Albert notes that “Consequences must be logically *related* to misbehavior; *reasonable*, in proportion and intensity to the misbehavior; *respectfully* stated and carried out to preserve a student’s self-esteem; and *reliably enforced*—what we say will happen must happen.”²⁵

Consequences should be related to the behaviour, reasonable in proportion and intensity to the behaviour, respectfully stated and carried out, and reliably enforced.

Consequences should be chosen with a view to achieving the goal of constructive behavioural change, thereby teaching the student appropriate behaviours. When determining consequences, if possible, start with the least severe but yet most appropriate. Several consequences may need to be applied in order for a student to learn the appropriate behaviour. However, there will be some severe behaviours that may require immediate action to ensure a safe and secure school environment.

25. Linda Albert, *Cooperative Discipline Implementation Guide*, (Circle Pines, MN: American Guidance Service, 1996).

Table 2: Examples of Severely Disruptive Behaviours and Range of Possible Actions/Consequences

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Vandalism	Committing or inciting others to commit damage to the personal property of a member of the school community; committing or inciting others to commit damage to property owned or operated by the school board; committing or inciting others to commit damage to any property while attending a school-related activity	<ul style="list-style-type: none"> Identify school-wide prevention strategies. Involve students and community to determine ways to prevent vandalism and to instil pride in the school and respect for school property. Monitor and supervise school environment. Limit or restrict access to specific areas, when not in use. Remove graffiti and repair damaged property as soon as possible. 	<ul style="list-style-type: none"> letter of apology restitution school-based community service, linked to the type of vandalism and the capacity of the student to perform the service referral to police, as appropriate conference with student and/or parent/guardian suspension in accordance with <i>Education Act</i>
Disruptions to school operations	Committing acts or inciting others to commit acts that are seriously disruptive or create a safety hazard to students, staff, or school property, such as, but not limited to, making bomb threats, setting fires, pulling fire alarms	<ul style="list-style-type: none"> Determine school-wide strategies to prevent/reduce disruptive incidents. Enlist the assistance of members of the school community (e.g., student council, school advisory council, home and school organizations). 	<ul style="list-style-type: none"> suspension in accordance with <i>Education Act</i> conference with student and/or parent/guardian referral to police and/or fire marshal, as appropriate
Verbal abuse	Using, or inciting others to use, language that is demeaning, threatening, or intimidating to another person	<ul style="list-style-type: none"> Establish clear guidelines and expectations in the school code of conduct regarding use of language, threats, verbal abuse. Provide instruction and opportunities for discussion regarding forms of verbal abuse. Involve guidance counsellor in teaching strategies regarding socially appropriate responses. 	<ul style="list-style-type: none"> letter of apology instruction regarding behavioural expectations counselling/anger management suspension in accordance with the <i>Education Act</i>
Racial and/or discriminatory misconduct	Racial misconduct includes using racial slurs, engaging in racial/ethnic name-calling, or inciting others to use racist language or engage in racist behaviours; discriminatory misconduct includes any unlawful discrimination based on race/ethnic origin, religion, creed, sex, sexual orientation, physical/mental disability, family status, source of income, or political belief	<ul style="list-style-type: none"> Review school board's Racial Equity Policy and recommended practices. Provide frequent opportunities for instruction and discussion regarding respect and diversity. Involve Board Race Relations Co-ordinator in developing preventive and proactive strategies. 	<ul style="list-style-type: none"> conference with student and parent/guardian participation in awareness and sensitivity training, appropriate to student's age involvement of RCH Facilitator suspension in accordance with the <i>Education Act</i> involvement of police as warranted, depending on age of student

Table 2: Examples of Severely Disruptive Behaviours and Range of Possible Actions/Consequences *continued*

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Sexual harassment and/or assault	Sexual harassment is any objectionable, coercive, or irritating comment, communication, action, or attention of a sexual nature that is directed to a person or persons by someone who knows, or ought reasonably to know, that such actions are unwelcome; action or communication with a sexual connotation or component that creates an intimidating, demeaning, or offensive work or school environment, even if it is directed to no person in particular; sexual assault is any sexual touching or contact without consent and as defined by the <i>Criminal Code of Canada</i>	<ul style="list-style-type: none"> Review school board Protection of Students Policy regarding sexual harassment. Provide instruction and opportunities for discussion regarding examples of sexual harassment and/or assault. Invite guest speakers to present information about human rights and other legislation regarding sexual harassment and assault. Involve student council and school advisory council in addressing the issue. 	<ul style="list-style-type: none"> conference with student and parent/guardian participation in awareness and sensitivity training regarding sexual harassment suspension in accordance with the <i>Education Act</i> reporting of sexual assault incidents to child welfare authorities and police in accordance with the <i>Children and Family Services Act</i>
Sexual misconduct, sexual abuse, or physical abuse	Sexual misconduct includes any behaviour of a sexual nature or connotation that is deemed inappropriate and unacceptable at school or during any school-related activity; sexual abuse or physical abuse refer to forms of child abuse as defined by the Nova Scotia <i>Children and Family Services Act</i>	<ul style="list-style-type: none"> Review Protection of Students Policy. Be informed about school protocols for reporting suspected sexual or physical abuse to child welfare authorities and/or police in accordance with the <i>Children and Family Services Act</i>. Promote awareness of student rights and responsibilities, regarding self and others, through the school code of conduct. 	<ul style="list-style-type: none"> reporting of any information regarding possible child abuse, sexual or physical, to the child welfare authorities in accordance with the <i>Children and Family Services Act</i> report to police, as appropriate conference with student and parent/guardian suspension in accordance with the <i>Education Act</i>
Physical violence	Using force or inciting others to use force to injure a member of the school community	<ul style="list-style-type: none"> Establish clear guidelines and expectations regarding acceptable behaviour. Provide opportunities for instruction and discussion to clarify what constitutes physical violence through public school curriculum and programs (e.g. Health/Personal Development & Relationships, Second Step, League of Peaceful Schools, Peer Mediation). Establish conflict intervention strategies for staff, such as non-violent crisis intervention methods. 	<ul style="list-style-type: none"> consequences that vary according to age and developmental level of student time-out protocol for younger children conference with student and parent/guardian suspension report to police, as appropriate referral for assessment and counselling

Table 2: Examples of Severely Disruptive Behaviours and Range of Possible Actions/Consequences *continued*

Category	Description of Severely Disruptive Behaviour	Pro-active Strategies to Achieve Desired Behaviour	Range of Possible Actions/Consequences
Bullying	Intentional, hurtful, behaviours (physical, verbal, psychological) repeatedly used by one or more individuals who exercise power to intimidate, threaten harm, and/or victimize another person/victim who is perceived as relatively weaker; bullying behaviours can be direct and open, or indirect and subtle; use of e-mail or Internet to harass and/or intimidate others	<ul style="list-style-type: none"> Participate in developing school-wide comprehensive approach to establish anti-bullying strategies within the context of the school code of conduct. Review school-generated data on incidents. Involve students, parents, and other teachers in providing educational programs and opportunities for promoting awareness about various forms of bullying. Develop consensus among stakeholders about bullying and other unacceptable behaviours. Provide opportunities for ongoing instruction and discussion about bullying and everyone's role and responsibility to report and intervene in ways to reduce bullying behaviours. 	<ul style="list-style-type: none"> ensuring that victim(s) receive(s) support and school takes measures to ensure safety for victim(s) identifying specific behaviour(s) that constitute bullying and are in violation of school code of conduct conference with student and parent/guardian suspension in accordance with the <i>Education Act</i> reporting of incidents of criminal behaviour to police, as appropriate (consider developmental level of student)
Use or possession of weapons	Use or pretence of using a weapon, or possessing or inciting others to possess a weapon, while on school property or while attending a school-related activity	<ul style="list-style-type: none"> Establish clear guidelines and expectations with regard to what constitutes a weapon. Provide information sheet to parents and students regarding school policies on the use or possession of weapons. Invite guest speakers e.g., police officer, lawyer, and others. 	<ul style="list-style-type: none"> reporting to police, as appropriate conference with student and parent/guardian referral for assessment and counselling suspension in accordance with the <i>Education Act</i>
Illegal activity	Committing any act or inciting others to commit any act involving a serious civil wrong or crime such as, but not limited to, possessing or selling stolen property, possession of, using, or selling a controlled substance, stealing expensive items	<ul style="list-style-type: none"> Provide educational opportunities regarding the law and what constitutes illegal activities at school and in the community, e.g., guest speakers, such as police, lawyers, and others. 	<ul style="list-style-type: none"> reporting to police, as appropriate referral for assessment and counselling conference with student and parent/guardian suspension in accordance with the <i>Education Act</i>

Consequences Specifically Forbidden

The following consequences are prohibited responses to any type of misconduct:

- corporal punishment (for students under 16 years, this contravenes the *Family and Children's Services Act* and is reportable under Section 23(1); for students over 16 years, this is common assault)
- use of collective responsibility (group punishments) in disciplinary procedures
- use of academic consequences as a disciplinary procedure; e.g., assigning extra academic work as a consequence of misbehaviour or course withdrawal for absenteeism
- use of evaluation procedures as a disciplinary procedure; e.g., arbitrarily assigning a test to an individual or class that is behaving inappropriately

Step 5: Implementation of School-Level Code of Conduct

- Share and communicate the school code of conduct with the school community (students, parents/guardians, staff, etc.) to promote awareness and set expectations. New staff should be provided with orientation to the school code of conduct.
- Design a professional development plan for staff to support implementation, to ensure collective endorsement, and to link the school code of conduct to other school-based initiatives. For example, these initiatives may include, but are not limited to, co-operative discipline, comprehensive guidance and counselling, and peer mediation.
- School advisory councils, school staff, students, and parents/guardians should also be provided with information sessions to support the school's plan for implementation of the school code of conduct as well as information on school-wide bullying prevention programs, parenting programs, social skills / anger management programs, and problem-solving teams.
- Link the school code of conduct to the school improvement plan and school communication plan.
- Document and use data from tracking, reporting, and monitoring of behavioural incidents to identify and focus on areas of need, as well as to plan prevention and intervention strategies.

- Dialogue with other schools, board staff, and appropriate departmental personnel to share information about effective interventions/initiatives.
- Devise a framework for evaluation and annual review.
- Classroom teachers should maintain their classrooms as safe and supportive places of student learning in ways that are consistent with the Provincial School Code of Conduct.
- Teachers should communicate their behavioural expectations for students in their classrooms to students and their parents/guardians.
- All members of the school community should support and endorse implementation of this initiative.
- The school code of conduct should be shared and communicated (e.g., staff meetings, parent information sessions, school newsletter, or website) to the school community.

Section 5: Tracking and Reporting School Incident Data

The collection analysis and appropriate use of school incident data is a fundamental component of positive effective behavioural supports and an important means for helping to improve student conduct and academic achievement. School incident data can provide teachers, school administrators, and others with critical information for analysis and decision making regarding school-wide, small-group, or individualized prevention and intervention strategies. It can also provide valuable information to assist with planning to address professional development needs.

A Behaviour Incident Tracking Form is provided to indicate the data stemming from office referrals to be collected, reported, and summarized (see page 31). This data informs decision making concerning effective behavioural support in schools. At both the school and regional board level, aggregate data will also assist in planning for effective prevention and intervention programming for students, as well as for professional development activities.

- The Department of Education and the regional school board work with schools to develop and maintain an electronic system for tracking and reporting student behavioural incidents.

- School board directors of programs meet with principals at the beginning of each school year to ensure that there is common understanding and consistency in the interpretation and use of the Behaviour Incident Tracking Form.
- Principals meet with their whole school staff, including teacher assistants, bus drivers, custodians, administrative assistants, etc., to review the form and their duty to report incidents, within their areas of responsibility, that warrant office referrals.
- Principals determine, in consultation with school staff, ways to ensure consistency in interpretation and use of the Behaviour Incident Tracking Forms within the school.
- School staff review individual student Behaviour Incident Tracking data to plan and revise programming and interventions as necessary.
- School staff review school aggregate data on a regular basis to analyse trends and to monitor the effectiveness of consequences and interventions used.
- Schools and school boards use aggregate behaviour incident data to assist in identifying professional development topics and in-service training needs.

Acknowledgement

The Behaviour Incident Tracking Form on the following page was adapted with permission from the School Incident Tracking System Form (SIT), developed by Dr. John LeBlanc; the Behaviour Tracking Form, New Brunswick Department of Education; and the McNicoll Park Middle School Office Discipline Referral Form, School District #67, Penticton, BC.

Behaviour Incident Tracking Form (Office Referral)

Student name: _____

Student ID #: _____

☐ Male ☐ Female

Grade: _____

School ID #: _____

Person completing form: _____

Witnessed event? YES / NO

Incident date: _____ Time: _____ AM / PM

INCIDENT PROFILE: You must check only **ONE** box in Primary the (presenting factor) column. You may check additional boxes in the Secondary (contributing factors) column.

Primary Secondary

Physical

- | | | |
|--------------------------|--------------------------|---------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Pushing/shoving |
| <input type="checkbox"/> | <input type="checkbox"/> | Fighting |
| <input type="checkbox"/> | <input type="checkbox"/> | Other physical aggression |
| <input type="checkbox"/> | <input type="checkbox"/> | Throwing objects |
| <input type="checkbox"/> | <input type="checkbox"/> | Property damage |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

Verbal

- | | | |
|--------------------------|--------------------------|----------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Impolite/rude |
| <input type="checkbox"/> | <input type="checkbox"/> | Name-calling/insults |
| <input type="checkbox"/> | <input type="checkbox"/> | Profanity |
| <input type="checkbox"/> | <input type="checkbox"/> | Threat |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

Non-verbal

- | | | |
|--------------------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Refusal to follow instructions |
| <input type="checkbox"/> | <input type="checkbox"/> | Inappropriate noises |
| <input type="checkbox"/> | <input type="checkbox"/> | Gestures |
| <input type="checkbox"/> | <input type="checkbox"/> | Body language |
| <input type="checkbox"/> | <input type="checkbox"/> | Electronic/Internet |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

INCIDENT PROFILE: You must check only **ONE** box in the Primary (presenting factor) column. You may check additional boxes in the Secondary (contributing factors) column.

Primary Secondary

Nature of Incident

- | | | |
|--------------------------|--------------------------|------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Impulsive act |
| <input type="checkbox"/> | <input type="checkbox"/> | Chronic disruptive behaviour |
| <input type="checkbox"/> | <input type="checkbox"/> | Defiance/opposition |
| <input type="checkbox"/> | <input type="checkbox"/> | Threat/intimidation |
| <input type="checkbox"/> | <input type="checkbox"/> | Bullying/victimization |
| <input type="checkbox"/> | <input type="checkbox"/> | Sexual harassment |
| <input type="checkbox"/> | <input type="checkbox"/> | Racial harassment |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

Note: Completion of additional forms may be required as per Board policies when the incident is of a racial or sexual nature.

Prohibited Article/Substance

- | | |
|----------------------------------|--|
| <input type="checkbox"/> Weapon | <input type="checkbox"/> Drugs/alcohol |
| <input type="checkbox"/> Tobacco | <input type="checkbox"/> Other: _____ |

Target (Check only one)

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Adult (teacher/other adult) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Student | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> School property | |

Location

- | | | |
|--|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Bus | <input type="checkbox"/> Gym | <input type="checkbox"/> Off Property |
| <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Hallway | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Library | |
| <input type="checkbox"/> Field/outside | <input type="checkbox"/> Lunchroom | |

DESCRIPTION OF INCIDENT: _____

Administrative Use Only

Action by: _____

INTERVENTION (please check all that apply)

- | |
|---|
| <input type="checkbox"/> Verbal redirect/teaching/reminder |
| <input type="checkbox"/> Explicit teaching of appropriate behaviours |
| <input type="checkbox"/> Behaviour contract |
| <input type="checkbox"/> Time-out |
| <input type="checkbox"/> in class <input type="checkbox"/> out of class |
| <input type="checkbox"/> Parent/guardian contact |
| Date of contact: _____ |
| <input type="checkbox"/> phone |
| <input type="checkbox"/> letter |
| <input type="checkbox"/> meeting |
| <input type="checkbox"/> Written warning |
| <input type="checkbox"/> Withdrawal of privileges |
| <input type="checkbox"/> Detention |

- | |
|---|
| <input type="checkbox"/> Good deed / community service / extra duties |
| <input type="checkbox"/> Restitution: clean up, repair, or pay for |
| <input type="checkbox"/> In-school suspension <input type="checkbox"/> Out-of-school suspension |
| number of days: _____ |
| date(s): _____ |
| <input type="checkbox"/> Contact outside agency / support contacted |
| <input type="checkbox"/> Referral to: |
| <input type="checkbox"/> Guidance Counsellor |
| <input type="checkbox"/> School-wide planning team |
| <input type="checkbox"/> IPP team |
| <input type="checkbox"/> RCH / Sexual Harassment Liaison |
| <input type="checkbox"/> Other: _____ |

Comments (by school principal/vice principal): _____

Form #'s for other students involved in this incident: _____

Section 6: Complaint Resolution Process

The complaint resolution process is intended for use only where there is no other established process for addressing unresolved complaints related to alleged violation of the provincial, regional, or school codes of conduct.

Guideline

Every school board must establish a complaint resolution process for use when a person has an unresolved complaint related to the application or alleged violation of the provincial, regional, and/or school codes of conduct. A complaint resolution process is necessary to ensure consistency in the processing and resolution of unresolved complaints related to either the application or an alleged violation of the provincial, regional, and/or school codes of conduct. Existing complaint resolution processes may be used, provided the procedures outlined below are followed.

Procedures

- The complaint resolution process related to the school code of conduct will apply to members of the school community when a complaint resolution protocol is not otherwise available to address a particular complaint.
- *Model Framework: Protection from Child Abuse, Discrimination, and Sexual Harassment* (Nova Scotia Department of Education 2003) outlines the procedures and protocols to be followed when complaints involve discrimination, sexual harassment, or child abuse.
- Boards should develop a standard complaint report form for documenting complaints. The form should include the nature of the complaint, date, time, and steps taken by the complainant to have the complaint resolved. The completed form must be signed by the person making the complaint. This form and an explanation of the process should be readily available and known to parents/guardians and school advisory council members.

Appendix I: Inter-agency Protocols

In acknowledgment of the duty to report a child in need of protective services, and in recognition of legal implications regarding investigative procedures by child welfare agencies and/or police, it is imperative that

- “A school board shall, in accordance with this Act and regulations, establish a policy for the protection of students and employees from harassment and abuse.”²⁶ (Please refer to your board’s policy and Department of Education document *Model Framework: Protection from Child Abuse, Discrimination, and Sexual Harassment*.)
- boards establish protocols and guidelines for reporting procedures of suspected child abuse and neglect, investigative procedures involving the police, and child abuse / criminal record checks of employees and volunteers; consequences related to inappropriate behaviours must take into consideration these policies, procedures, and protocols
- boards ensure that procedures are in place to provide new staff, school advisory council members, and volunteers with proper orientation to board policy and procedures that pertain to the school code of conduct and local inter-agency protocols; this will ensure that all members of the school community understand their rights and responsibilities with respect to the school code of conduct

²⁶. *Education Act*, s. 64(2)(e)

Appendix II: Excerpts from *Nova Scotia Human Rights Act* (2001) Sections 3(o), 4, 5, and 6

Section 3

(o) “sexual harassment” means

- (i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,
- (ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
- (iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance. 1991, c. 12, s. 1.

PART 1: DISCRIMINATION PROHIBITED

Meaning of discrimination

- 4 For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. 1991, c. 12, s. 1.

Prohibition of discrimination

- 5 (1) No person shall in respect of
- (a) the provision of or access to services or facilities;
 - (b) accommodation;
 - (c) the purchase or sale of property;
 - (d) employment;
 - (e) volunteer public service;
 - (f) a publication, broadcast or advertisement;
 - (g) membership in a professional association, business or trade association, employers' organization or employees' organization, discriminate against an individual on account of
 - (h) age;
 - (i) race;
 - (j) colour;
 - (k) religion;
 - (l) creed;
 - (m) sex;
 - (n) sexual orientation;
 - (o) physical disability or mental disability;
 - (p) an irrational fear of contracting an illness or disease;
 - (q) ethnic, national or aboriginal origin;
 - (r) family status;
 - (s) marital status;
 - (t) source of income;
 - (u) political belief, affiliation or activity;
 - (v) that individual's association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).

Sexual harassment

- (2) No person shall sexually harass an individual. 1991, c. 12, s. 1.

Appendix III: Excerpts from the *Education Act*, Sections 24–26, 38–40, 64, and 121–127

STUDENTS

- 24** (1) It is the duty of a student to
- (a) participate fully in learning opportunities;
 - (b) attend school regularly and punctually;
 - (c) contribute to an orderly and safe learning environment;
 - (d) respect the rights of others; and
 - (e) comply with the discipline policies of the school and the school board.

PARENTS

- 25** (1) It is the duty of parents to
- (a) support their children in achieving learning success;
 - (b) cause their children to attend school as required by the regulations;
 - (c) communicate regularly with their children's school;
 - (d) ensure the basic needs of their children are met, including ensuring that their children are well-nourished and well-rested when they go to school; and
 - (e) support their children's teachers in their efforts to provide an education for their children.

TEACHERS

- 26** (1) It is the duty of a teacher in a public school to
- (a) respect the rights of students;
 - (b) teach diligently the subjects and courses of study prescribed by the regulations that are assigned to the teacher by the school board;
 - (c) implement teaching strategies that foster a positive learning environment aimed at helping students achieve learning outcomes;
 - (d) encourage students in the pursuit of learning;
 - (e) monitor the effectiveness of the teaching strategies by analyzing outcomes achieved;
 - (f) acknowledge and, to the extent reasonable, accommodate differences in learning styles;
 - (g) participate in individual program planning and implement individual program plans, as required, for students with special needs;
 - (h) review regularly with students their learning expectations and progress;
 - (k) take all reasonable steps necessary to create and maintain an orderly and safe learning environment;

(l) maintain appropriate order and discipline in the school or room in the teacher's charge and report to the principal or other person in charge of the school the conduct of any student who is persistently defiant or disobedient;

(m) maintain an attitude of concern for the dignity and welfare of each student and encourage in each student an attitude of concern for the dignity and welfare of others and a respect for religion, morality, truth, justice, love of country, humanity, equality, industry, temperance and all other virtues;

(n) attend to the health, comfort and safety of the students;

PRINCIPALS

38 (1) The principal of a public school is the educational leader of the school and has overall responsibility for the school, including teachers and other staff.

(2) It is the duty of a principal to

(e) ensure that reasonable steps are taken to create and maintain a safe, orderly, positive and effective learning environment;

SUPERINTENDENTS

39 (2) It is the duty of a superintendent to

(g) maintain a safe, orderly and supportive learning environment in all schools in the school district or school region;

SUPPORT STAFF

40 (1) It is the duty of a support staff member to

(b) maintain an attitude of concern for the dignity and welfare of each student;

(c) co-operate with the school board, superintendent, principal, teachers, students and other staff members to maintain an orderly, safe and supportive learning environment;

(d) respect the rights of students;

GENERAL RESPONSIBILITIES AND POWERS OF SCHOOL BOARDS

64 (2) A school board shall in accordance with this Act and the regulations,

(f) promote its schools as safe, quality learning environments and as community resources;

(r) establish a regional student-discipline policy consistent with the Provincial discipline policy established by the Minister;

(s) develop policies and implement programs consistent with the Minister's policies and guidelines respecting students who have been suspended for more than five days or expelled from school;

(t) establish a policy for the protection of students and employees from harassment and abuse;

STUDENT CONDUCT

121 Where a student in a class is persistently disobedient or defiant or acts in a manner likely to affect injuriously the proper conduct of the class or the welfare or education of other students in the class, the teacher of the class may require the student to leave the class and shall refer the student to the principal. 1995-96, c. 1, s. 121.

122 Where a student enrolled in a public school is persistently disobedient or defiant or conducts himself or herself in a manner likely to affect injuriously the proper conduct of the school or the welfare or education of other students enrolled in the school, the principal, or the person in charge of the school, may suspend the student for a period of not more than five school days. 1995-96, c. 1, s. 122.

123 (1) When a student is suspended pursuant to Section 122 the principal or other person in charge of the school shall immediately notify, in writing, the student, the student's teachers, the school board and the student's parents of the reasons for the suspension.

(2) The student or the student's parents may request a review of the suspension pursuant to Section 122 by the school board within three school days of receiving the notice pursuant to subsection (1).

(3) The school board shall

(a) confirm the suspension under Section 122; or

(b) order that the suspension be revoked and that the suspension be removed from the record of the student. 1995-96, c. 1, s. 123.

124 (1) Where a student is suspended pursuant to Section 122 and the principal is of the view that the student should be suspended for a period greater than five school days, the principal may, in writing, make a recommendation with reasons to the school board that the student be suspended for a period greater than five school days.

(2) When a recommendation is made pursuant to subsection (1), the school board shall immediately notify, in writing, the student and the student's parents of the principal's recommendation and reasons.

(3) Within seven days of having received the recommendation of the principal under subsection (1), the school board shall

(a) dismiss the principal's recommendation; or

(b) extend the suspension of the student for a period of greater than five school days.

(4) Where the suspension of a student begins within two months of the end of the school academic year, the period of time for which a school board may extend the suspension under subsection (3) may include a portion of the next academic year.

(5) The school board shall notify the student, the parents of the student, the student's teachers, the principal or person in charge of the school of its decision under subsection (3) within three days of the meeting at which the decision was made.

(6) Where the school board decides under subsection (3) to extend the suspension of the student, the school board shall include in its notice under subsection (5)

(a) the period for which the student is to be further suspended;

(b) the reasons for the decision to further suspend the student; and

(c) the right of the student and of the student's parents to appeal the decision.

(7) When a student or the parent of a student has been notified of the suspension of the student pursuant to (5), the student or the parent may, within seven days of receiving such notice, appeal the suspension to the school board.

(8) The school board shall, upon receipt of a notice of appeal pursuant to subsection (7)

(a) immediately notify the parent of the student and the student of the time and place of the hearing of the appeal and the right of the student or parent, or both, to appear in person with or without counsel;

(b) within ten days of receipt of the notice of appeal, hold a hearing and confirm, revoke or vary the decision of the school board.

(9) Within three clear days of the hearing, the school board shall notify the student, the student's parent, the student's counsel, the student's teachers and the principal or person in charge of the school of its decision, which decision shall be final and binding. 1995-96, c. 1, s. 124.

125 (1) The powers and duties of the school board set out in subsections 123(3) and 124(3) may be performed

(a) if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee;

(b) if so directed by the school board, by the school advisory council of the school or a committee of the school advisory council;

(c) with the approval of the Minister, by one or more committees of persons designated by office or named by the school board.

(2) The power and duties of the school board set out in subsection 124(8) may be performed, if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee. 1995-96, c. 1, s. 125.

126 Where a student is suspended for more than five school days, the school board, in consultation with the student's parent, shall make every reasonable effort to provide alternative arrangements for the education of the student, in accordance with the regulations. 1995-96, c. 1, s. 126.

127 (1) The principal of a public school, or such other supervisory person as may be designated by the school board, may suspend a student's right to use the school bus if, in that person's judgement, the student has refused to comply with reasonable rules or regulations of the school board or directions given by the bus driver or if, in that person's judgement, the behaviour of the student while on the bus endangers the safety of others using the bus.

(2) A person who suspends a student's right pursuant to subsection (1) to use the school bus shall report this action immediately to the school board and inform the student's parent by the speediest method convenient of that person's action.

(3) Where the student's right to use the school bus has been suspended for a period of more than two days, the student and the student's parent shall be notified in writing of the reason for the suspension and, where the suspension is for a period of more than five school days, of the right of appeal pursuant to subsection (4).

(4) Where a student is suspended for a period of more than five school days, the parent of the student or the student, if the student is of the age of majority, may, within seven days of receiving notice of the suspension pursuant to subsection (3), appeal the decision to suspend.

(5) Where a notice of appeal has been received by the school board pursuant to subsection (4), the balance of the suspension shall be stayed until the school board confirms, revokes or varies the suspension.

(6) The school board shall, upon receipt of a notice of appeal

(a) immediately by registered mail notify the parent of the student, or the student, where the student is of the age of majority, of the time and place of the hearing of the appeal; and

(b) within ten days of receipt of the notice of appeal, hold a hearing respecting the suspension and within three school days following that hearing confirm, revoke or vary the decision to suspend.

(7) No parent or other person in charge of any student, having been sent by the school board by registered mail a notice of suspension of the student's right to use the school bus, shall cause, encourage or permit the student to use the bus during the period of time during which the suspension is in effect. 1995-96, c. 1, s. 127.

Appendix IV: Section 47 Ministerial Education Act Regulations

Schedule "A"

Amendment to the Ministerial Education Act Regulations made by the Minister of Education under Section 145 of Chapter 1 of the Acts of 1995-96, the Education Act

The Ministerial Education Act Regulations, N.S. Reg. 80/97, made by the Minister of Education on June 24, 1997, are amended by repealing Section 47 and its heading and substituting the following heading and Section: Provincial school code of conduct policy respecting the discipline of students

47 (1) This Section constitutes the Provincial policy respecting the discipline of students referred to in clause 145(1)(h) of the Act, and the policy shall be known as the Provincial School Code of Conduct Policy.

(2) In this Section, the following definitions apply:

"disruptive behaviour" means student behaviour that disrupts the learning climate of the school, endangers the well-being of others or damages school property, but does not include severely disruptive behaviour, and includes all of the following:

- (i) chronic minor offences,
- (ii) smoking,
- (iii) profanity,
- (iii) disrespect or insubordination,
- (iv) failure to obey instructions,
- (v) forging notes or excuses,
- (vi) non-attendance or poor attendance in school or specific classes,
- (vii) loitering in school,

- (viii) petty stealing,
- (viii) shoving, pushing or scuffling;
- (ix) any other behaviours that are disruptive or that may create a safety hazard;

"in-school suspension" means a consequence imposed on a student by a principal in accordance with clause (7);

"regional school code of conduct policy" means a student-discipline policy established by a school board pursuant to clause 64(2)(r) of the Act;

"provincial school code of conduct" means the code of conduct established by the Minister;

"school" means a public school and includes an école acadienne;

"school code of conduct" means a code of conduct established by a school in accordance with clause (8);

"severely disruptive behaviour" means student behaviour that significantly disrupts the learning climate of the school, endangers the well-being of others or damages school property, and includes all of the following:

- (i) vandalism,
- (ii) disruptions to school operations,
- (iii) verbal abuse,
- (iv) racism or discriminatory behaviour,
- (v) sexual harassment or assault,
- (vi) sexual misconduct, sexual abuse or physical abuse,
- (vii) physical violence,

- (viii) bullying,
- (ix) use or possession of weapons,
- (x) illegal activity.

(3) In establishing or reviewing its regional school code of conduct policy, a school board shall establish a regional school code of conduct committee.

(4) A regional school code of conduct committee shall be composed of representatives of school advisory councils, students, teachers, parents and principals.

(5) A school board shall review its regional school code of conduct policy at least once every 5 years.

(6) A regional school code of conduct policy shall be based on the following principles:

(a) student learning is maximized in positive, inviting and safe school environments where all members of the school community demonstrate appropriate standards of behaviour consistent with the principles of respect, responsibility and rights;

(b) proactive, positive and preventative approaches to managing student behaviour are necessary to establish and maintain school environments that are conducive to both teaching and learning;

(c) immediate action or intervention must be taken to manage disruptive behaviour and severely disruptive behaviour when it occurs;

(d) all of the following interventions or consequences for disruptive behaviour and severely disruptive behaviour are prohibited:

- (i) corporal punishment,
- (ii) attributing collective responsibility, including group punishment,
- (iii) course withdrawal by the principal for non-attendance or poor attendance,
- (iv) reducing or not awarding marks or assigning extra school work, projects or assessments.

(7) A regional school code of conduct policy shall consistent with the provincial student discipline school code of conduct policy as prescribed in this Section, and include all of the following:

(a) a statement of the roles and responsibilities of students, principals, teachers, parents, the school board and other members of the school community;

(b) specific strategies to achieve desired student behaviour, including all of the following:

(i) subject to clause (6)(d), interventions or consequences for disruptive behaviour or severely disruptive behaviour that are reasonable, fair, consistent and appropriately timed and that take into consideration

(A) the student's age, stage of development and any special needs of the student, and

(B) the severity and frequency of the disruptive behaviour or severely disruptive behaviour,

(ii) a range of actions and consequences that may be taken by the principal, teacher and school board in response to disruptive behaviour and severely disruptive behaviour,

(iii) the use of in-school suspensions provided that:

(A) the student can continue the student's school work in a classroom in the school designated by the principal for in-school suspensions;

(B) a teacher or principal is present to supervise the student;

(C) the principal notifies the student, the student's parents and teachers of the reasons for the in-school suspension, as soon as reasonably possible;

(iv) the use of suspensions, other than in-school suspensions, shall be in accordance with sections 122 to 126 of the Act.

(c) standards of behaviour expected of students and members of the school community, including standards for demonstrating respect for their own rights, property and safety and, in particular, including standards for all of the following:

(i) demonstrating respect for the diversity of students and members of the school community regardless of their race, culture, ethnicity, religion, gender, sexual orientation, age or ability,

(ii) using socially acceptable language and gestures,

(iii) avoiding all forms of intimidation, harassment, racism and discrimination,

(iv) school dress,

(v) taking reasonable care in using school property or the property of others,

(vi) demonstrating respect for the roles and responsibilities of students, principals, teachers, parents and the school board,

(vii) positive and safe behaviour, including prohibition of violent acts and the use or possession of weapons and alcohol, drugs and other intoxicants,

(viii) demonstrating respect for the learning environment of the school and the classroom and school activities and events;

(d) a process to be used by a school for monitoring, reporting and collecting data on disruptive behaviour and severely disruptive behaviour that has resulted in a teacher referring a student to the principal, and on the interventions or consequences resulting from those behaviours, on an individual student basis and on an aggregate student basis;

(e) a process that gives a student or a student's parent a reasonable opportunity to respond to an alleged breach of the school code of conduct, the regional school code of conduct or the Provincial School Code of Conduct and to respond to the interventions or consequences resulting from the breach.

(8) A regional school code of conduct policy shall require each of the school board's school principals to do all of the following:

(a) establish a written school code of conduct that is consistent with the Provincial School Code of Conduct Policy, the provincial school code of conduct and the regional school code of conduct policy and that

(i) includes a statement of the educational objectives for students and standards of behaviour expected of students and members of the school community,

(ii) includes descriptions of disruptive behaviour and severely disruptive behaviour and the consequences for those behaviours,

(iii) provides for reinforcing appropriate student behaviours;

(b) review the school code of conduct at least once every 5 years;

(c) in establishing or reviewing a school code of conduct, require the school principal to establish a school code of conduct committee composed of representatives from the school advisory council, students, teachers and parents and, in the principal's discretion, additional appropriate persons including representatives from support staff or other appropriate bodies.

(9) A school board shall provide for the distribution of the regional school code of conduct policy to its schools, teachers, parents and students and require that each principal provide a copy of the school code of conduct to each of its students and provide copies upon request to a teacher or parent.

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